

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

Eastern

IRENE WASSERMAN,

Plaintiff,

v.

GREGORY LONG, Executive Director,
Federal Retirement Thrift Investment
Board,

Defendant.

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JAN 16 2008 14 P 5:32
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ACTION NO.:

3:07-cv-1091-WKW

NOTICE OF REMOVAL

Petitioner, Gregory Long, Executive Director, Federal Retirement Thrift Investment Board, and/or unnamed employees of the Thrift Savings Plan (TSP), by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, respectfully petitions for removal of this action from the Small Claims Court of Tallapoosa County, Alabama, to the United States District Court for this District, and in support thereof, represent the following:

1. That Petitioner, Gregory Long, Executive Director, Federal Retirement Thrift Investment Board, and/or unnamed employees of the Thrift Savings Plan (TSP), is a named Defendant in the above-captioned civil action which is pending in the Small Claims Court of Tallapoosa County, Alabama, Civil Action No. SM-07-341. Copies of all process, pleadings, and orders served upon Defendants in such action are attached hereto.

2. That the above-captioned action is one which may be removed without bond to this court pursuant to 28 U.S.C. §§ 1442(a)(1), for the reasons that this is an action against an officer and/or agency of the United States for any act under color of such office.

WHEREFORE, Petitioner prays that said action be removed from the Small Claims Court of Tallapoosa County, Alabama.

Respectfully submitted this 14th day of December, 2007.

LEURA G. CANARY
United States Attorney

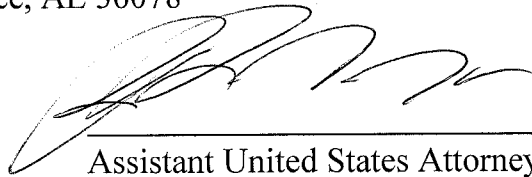
By: 

R. Randolph Neeley
Assistant United States Attorney
Bar Number: #9083-E56R
Attorney for Defendant
United States Attorney's Office
Post Office Box 197
Montgomery, AL 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2007, I filed the foregoing with the Clerk of the Court, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following:

Irene Wasserman
4554 Notasulga Rd.
Tallassee, AL 36078

A handwritten signature in black ink, appearing to be 'Irene Wasserman', is written over a horizontal line.

Assistant United States Attorney

RECEIVED NOV 28 2007

State of Alabama Unified Judicial System Form SM-1 (front) Rev. 3/95	STATEMENT OF CLAIM (Complaint) General	Case Number SM-07-341
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IN THE SMALL CLAIMS COURT OF TALLAPOOSA, ALABAMA
(Name of County)

IRENE H. WASSERMAN v. GREGORY T. LUNG
Plaintiff Defendant

Plaintiff's Home Address: 4554 NOTASULGA RD TALLASSEE, AL 36078

Defendant's Home Address: Executive Director, Federal Retirement Thrift Investment Board, 1250 H Street NW WASHINGTON, DC 20005

Plaintiff's Attorney's Address: _____

Additional Defendant(s) and Addresses: BHM TSP OFFICE MANAGER, P.O. Box 385021, BHM, AL 35238

NOTICE TO EACH DEFENDANT - READ CAREFULLY

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE MONEY OR PROPERTY DEMANDED IN THE FOLLOWING COMPLAINT. ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. I claim the defendant owes the plaintiff the sum of \$ 3000.00 because: the BHM OFFICE failed to honor my verbal and written request to have my ALIENATED ONE AGE-BASED Withdrawal of \$70,100 completed in January, 2007. This MISMANAGEMENT OF MY RETIREMENT ACCOUNT RESULTED IN A TAX OF \$10,421 of which \$5,210 was my responsibility.

2. Plaintiff also claims from the defendant court costs in the sum of 1140.00 (see note below), plus \$ _____ for interest and \$ _____ for lawyers' fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

CLERK'S ADDRESS:
Frank Lucas, Circuit Clerk
Tallapoosa County Courthouse
125 N. Broadnax St., Room 132
Dadeville, AL 36853

Clerk's Phone No. _____

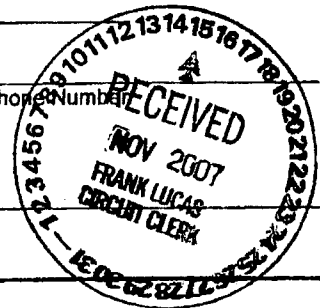
(See instructions on the Back)

Plaintiff or Plaintiff's Attorney (Signature): Irene H. Wasserman

Attorney Code: _____

Plaintiff's or Plaintiff's Attorney's Phone Number: _____

Date of Filing: _____



Form SM-1 (back) Rev. 3/95

INSTRUCTIONS TO THE PLAINTIFF'S

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

The clerk of the court has a brochure which tells you how to handle a Small Claims case. This brochure is free to you on request.

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his/her correct legal name and address (not a post office box). Be as brief as possible but include every important name, date and place.
2. To start your case you must file the completed form with the clerk assigned to Small Claims cases. The clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.
3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the clerk's office, to make sure that each defendant has been served.
4. If any of the defendants ask for a trial you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his/her Answer.
5. You are responsible to see to the enforcement of any judgment that is awarded to you. The Small Claims brochure will tell you how to go about recovering your money. It is not the responsibility of the court or the clerk to collect the judgment for you.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized by Rule 4.1(b)(1) or 4.1(b)(2) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama.

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant(s) named

and make proper return to this court.

Date 11-26-07

Clerk

Frank Lucas

By

BT

RETURN ON SERVICE:

Served on defendant(s) named _____

by delivering a copy of the Summons and Statement of Claim to him/her in _____

County, Alabama, on (Date) _____

Process Server Signature

Title of Process Server

This service by certified mail of this Summons and Statement of Claim is initiated upon the request of _____ pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

Date Requested _____ Date Mailed _____

Return Receipt Date _____ BY: _____

Clerk

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AVS0355

ALABAMA JUDICIAL DATA CENTER
DEFENDANTS ANSWER
SMALL CLAIMS

CASE: SM 2007 000341.00 CKT

IN THE DISTRICT COURT OF TALLAPOOSA COUNTY DT FILED: 11/21/2007

IRENE H. WASSERMAN VS GREGORY T. LONG

LONG GREGORY
1250 H. STREET NW

WASHINGTON, DC 20005-0000

SSN: 000-00-0000

HOME PHONE: _____

WORK: _____

DEFENDANTS ANSWER TO THE COMPLAINT: PLEASE PRINT

NOTICE: IF YOU HAVE BEEN SUED IN A COUNTY IN WHICH YOU DO NOT LIVE AND IF THE SUIT AGAINST YOU IS NOT FOR SERVICES OR WORK AND LABOR PERFORMED IN THE COUNTY WHERE SUIT HAS BEEN FILED, YOU MAY REQUEST THAT IT BE TRANSFERRED TO YOUR HOME COUNTY. IF THIS APPLIES, COMPLETE "A" BELOW.

CHECK ONE:

- A _____ I DO NOT LIVE IN THIS COUNTY, I WANT THIS CASE TRANSFERRED TO MY HOME COUNTY OF _____
- B _____ I ADMIT EVERYTHING IN THE STATEMENT OF CLAIM AND DO NOT WANT A TRIAL (THIS MEANS THAT YOU CONSENT TO A JUDGMENT FOR THE AMOUNT CLAIMED PLUS COURT COSTS.)
- C _____ I ADMIT I OWE SOME MONEY, BUT NOT THE TOTAL AMOUNT CLAIMED BY THE PLAINTIFF(S). (IF THIS BLOCK IS CHECKED, THE CASE WILL BE SET FOR TRIAL. PLEASE NOTE THAT ANY MONEY PAID BY YOU ON THIS CLAIM AFTER THE SUIT WAS FILED MAY NOT BE REFLECTED ON THE STATEMENT OF CLAIM WHICH YOU RECEIVED. YOU SHOULD CONTACT THE PERSON WHO HAS SUED YOU OR HIS ATTORNEY TO DETERMINE THE PRESENT BALANCE WHICH IS CLAIMED.)
- D _____ I DENY THAT I AM RESPONSIBLE AT ALL. (EXPLAIN BELOW)

IF YOU CHECKED "C" OR "D", BRIEFLY EXPLAIN THE REASONS FOR YOUR ANSWER.

NAME AND ADDRESS OF EMPLOYER

BUSINESS PHONE

THIS ANSWER MUST BE SIGNED BY THE PERSON OR PERSONS WHO HAVE BEEN SUED OR THEIR ATTORNEY. AN ANSWER WHICH IS NOT SIGNED OR WHICH IS NOT SIGNED BY THE PROPER PERSON CANNOT BE CONSIDERED.

KEEP A COPY FOR YOUR FILES. MAIL ORIGINAL TO THE COURT ADDRESS BELOW.
MAIL A COPY TO THE PLAINTIFFS ATTORNEY AT THE ABOVE ADDRESS.

****SIGNATURE OF DEFENDANT OR ATTORNEY****

ADDRESS: _____

CLERK: FRANK LUCAS
125 N BROADNAX ST. RM 132
DADEVILLE AL 36853
(256) 825-1098

OPERATOR: BRF
PREPARED: 11/26/2007

AFTER FIVE DAYS RETURN TO
FRANK LUCAS, Circuit Clerk
TALLAPOOSA COUNTY COURTHOUSE
125 N. Broadnax Street, Room 132
DADEVILLE, AL 36853

CERTIFIED MAIL™



7003 2260 0006 9147 2636



0000



35238

U.S. POSTAGE
PAID
DADEVILLE, AL
36853
NOV 27, 07
AMOUNT

\$9.31

00036344-05

**RETURN RECEIPT
REQUESTED**

**RESTRICTED
DELIVERY**

Gregory T. Long
BHM TSP Office Manager
P.O.Box 385021
Birmingham, AL 35238

RECEIVED NOV 28 2007

35238+3021-21 8099



Case Action Summary - 62SM200700034100

Date	Time	Code	Comments	Operator
11/26/2007	1:40:09	ASSJ	ASSIGNED TO JUDGE: CLAYTON KIM TAYLOR (AV01)	BRF
11/26/2007	1:40:10	ORIG	ORIGIN: INITIAL FILING (AV01)	BRF
11/26/2007	1:40:11	TDMN	BENCH/NON-JURY TRIAL REQUESTED (AV01)	BRF
11/26/2007	1:40:12	SCAN	CASE SCANNED STATUS SET TO: N (AV01)	BRF
11/26/2007	1:40:13	STAT	CASE ASSIGNED STATUS OF: ACTIVE (AV01)	BRF
11/26/2007	1:40:27	PART	WASSERMAN IRENE H. ADDED AS C001 (AV02)	BRF
11/26/2007	1:41:13	PART	LONG GREGORY ADDED AS D001 (AV02)	BRF
11/26/2007	1:41:14	SUMM	CERTIFIED MAIL ISSUED: 11/26/2007 TO D001 (AV02)	BRF
12/11/2007	10:44:51	SERC	D001 SERVED CERTIFIED MAIL ON 11/28/2007	BRF

**END OF THE REPORT**